

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE,  
NUMBER 04-53, ALAN C. TODD.

CASE NUMBER SC04-1655

---

**PREHEARING STATEMENT**

**ALAN C. TODD**, County Court Judge, by and through his undersigned attorney, pursuant to the Order Scheduling Hearing and Prehearing Conference entered by The Honorable Thomas B. Freeman, Chairman, Hearing Panel, Florida Judicial Qualifications Commission, files this Prehearing Statement in compliance with that Order.

**A. Witnesses**

Judge Todd expects to call (or examine on cross-examination) the following witnesses:

1. The Honorable Alan C. Todd

Judge Todd will testify as to all matters as set forth in his deposition taken on April 26, 2005, and as reflected in his response to the charges, and his answers to interrogatories.

2. Deborah O. Day, Psy.D.

Dr. Day will testify that she is working with Judge Todd to be empathetic in issues raised in the Notice of Formal Charges, and in helping Judge

Todd to fully understand his obligations as a Judge in speaking with sensitivity both on and off the Bench.

### **CROSS-EXAMINATION OF JQC WITNESSES**

Cross-examination of the witnesses for the Special Counsel as to matters raised in the Notice of Formal Charges, testimony during depositions and testimony during the hearing.

#### **B. CHARACTER WITNESSES**

1. Warren W. Lindsey, Esq., 1150 Louisiana Avenue, Suite 1, Winter Park, Florida 32789.
2. William C. Gridley, Circuit Judge, Orange County Courthouse, 425 N. Orange Avenue, Orlando, Florida 32801.
3. An additional witness will be utilized from individuals giving Affidavits in Support of Judge Todd's character.

#### **C. AFFIDAVITS**

Affidavits are hereby submitted by the following:

1. John A. Baldwin, Esq., 7100 S. Highway 17-92, Fern Park, Florida 32730.
2. Douglas M. Ball, Chief, Winter Park Police Department, 500 N. Virginia Avenue, Winter Park, Florida 32789.

3. Harvey V. Cohen, Esq., 1211 Orange Avenue, Suite 200,  
Winter Park, Florida 32789.
4. Michael D. Dicembre, Esq., 1 South Orange Avenue, Suite 304,  
Orlando, Florida 32801.
5. Eric J. Dirga, Esq., Post Office Box 3591, Orlando, Florida  
32802.
6. Shon J. Douctre, Esq., 207 Hillcrest Street, Orlando, Florida  
32801.
7. Steven G. Horneffer, Esq., 1220 Douglas Avenue, Suite 103,  
Longwood, Florida 32779.
8. Arthur S. King, Lieutenant, Winter Park Police Department,  
500 North Virginia Avenue, Winter Park, Florida 32789.
9. Michael H. Lambert, Esq., 629 North Peninsula Drive, Daytona  
Beach, Florida 32118.
10. Robert Paul LeBlanc, Esq., Post Office Box 2245, Orlando,  
Florida 32802.
11. Warren W. Lindsey, Esq., 1150 Louisiana Avenue, Suite 1,  
Winter Park, Florida 32789.
12. Mark Lippman, Esq., 638 Broadway Avenue, Orlando, Florida

32803.

13. Marc L. Lubet, Esq., 209 E. Ridgewood Street, Orlando,  
Florida 32801.

14. Ted Marrero, Jr., Esq., 1137 Edgewater Drive, Orlando, Florida  
32804.

15. Thomas Matthews, Esq., 1520 East Livingston Street, Orlando,  
Florida 32803.

16. Russell F. McLatchey, Esq., 531 Dog Track Road, Longwood,  
Florida 32750.

17. Adam B. Reiss, Esq., 203 East Hillcrest Street, Orlando, Florida  
32801.

18. Zachary E. Stoumbos, Esq., 529 N. Magnolia Avenue, Orlando,  
Florida 32801.

19. Rex Straw, Captain, Winter Park Police Department, 500 North  
Virginia Avenue, Winter Park, Florida 32789.

20. William D. Umansky, Esq., 1500 E. Robinson Street, Orlando,  
Florida 32801.

21. Zahra S. Umansky, Esq., 1500 E. Robinson Street, Orlando,  
Florida 32801.

22. Charles W. Willits, Esq., 1407 E. Robinson Street, Orlando, Florida 32801.

Additional affidavits may be supplemented prior to the hearing.

**D. EXHIBITS**

Potential tape recordings and transcripts of arraignments.

**E. REBUTTAL WITNESSES**

Any rebuttal witnesses to matters raised by Special Counsel during Special Counsel's case in chief.

**E. JUDGE TODD'S OBJECTIONS TO JQC's EXHIBIT LIST**

Undersigned attorney has not yet received a list of the Special Counsel's exhibits.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Prehearing Statement has been furnished mail delivery to Brooke S. Kennerly, Executive Director, Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303; Thomas C. MacDonald, Jr., Esq., General Counsel, Judicial Qualifications Commission, 1904 Holly Lane, Tampa, Florida 33629; The Honorable Thomas C. Freeman, Chair, Hearing Panel, 14250 49<sup>th</sup> Street N.,

Clearwater, Florida 33762-2800; John R. Beranek, Esq., Counsel, Hearing Panel, Ausley & McMullen, 227 South Calhoun Street, Tallahassee, Florida 32301 and Lansing C. Scriven, Esq., Special Counsel, 442 W. Kennedy Boulevard, Suite 280, Tampa, Florida 33606 this \_\_\_\_\_ day of September, 2005.

---

**CHANDLER R. MULLER, of  
LAW OFFICES OF  
MULLER & SOMMERVILLE, P.A.**  
1150 Louisiana Avenue, Suite 2  
Post Office Box 2128  
Winter Park, Florida 32790-2128  
Telephone: (407)647-8200  
Facsimile: (407)645-3000  
Florida Bar Number 112381

Attorneys for **ALAN C. TODD**